

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

EDDIE J. HENDERSON, III, <i>pro se</i>)	CASE NO. 1:21-cv-01412
)	
Petitioner,)	JUDGE DAVID A. RUIZ
)	
v.)	
)	
WARDEN KENNETH BLACK,)	
)	
Respondent.)	
)	ORDER

On July 22, 2021, petitioner Eddie J. Henderson, III, *pro se*, filed the instant habeas petition raising three grounds for relief: (1) “The jury’s verdict of guilt was against the manifest weight of the evidence;” (2) “Whether the jury’s verdict of guilt was against the manifest weight of the evidence;” and (3) “Ineffective assistance of appellate counsel.” (R. 1).

On January 12, 2022, on the same date he filed his traverse, Petitioner filed a Motion for Grand Jury Testimony. (R. 8). Respondent did not file any response.

The Supreme Court has held that “although state prisoners may sometimes submit new evidence in federal court, AEDPA’s statutory scheme is designed to strongly discourage them from doing so. Provisions like §§ 2254(d)(1) and (e)(2) ensure that ‘[f]ederal courts sitting in habeas are not an alternative forum for trying facts and issues which a prisoner made insufficient effort to pursue in state proceedings.’” *Cullen v. Pinholster*, 563 U.S. 170, 186, 131 S. Ct. 1388,

1401, 179 L. Ed. 2d 557 (2011) (finding a federal habeas court’s review is limited “to the record that was before the state court that adjudicated the claim on the merits.”) (citations omitted); *see also Campbell v. Warden, London Corr. Inst.*, No. 1:14-CV-13, 2015 WL 7710761, at *4 (S.D. Ohio Nov. 30, 2015) (“The limitations in *Pinholster* apply to expansion of the record as well as to evidentiary hearings.”)

Petitioner’s motion offers no meaningful explanation as to how the grand jury testimony is directly related to any of his three grounds for federal habeas relief, or even whether such testimony was admitted at his trial. Accordingly, his motion is DENIED.

IT IS SO ORDERED.

s/ *David A. Ruiz*
David A. Ruiz
United States District Judge

Date: September 6, 2022